

# ROTHENBERG LAW

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October 14, 2022

BY FACSIMILE TRANSMISSION ONLY

Hon. David G. Larimer [585.613.4045]  
United States District Judge  
United States Courthouse  
100 State Street  
Rochester, NY 14614

Re: **Wynn v. Larimer, et al.—22-cv-6352**  
Wynn v. Warren, et al.—22-cv-6362

Dear Judge Larimer:

I am writing on behalf of Mark Updegraff, who has been named as a defendant in the two cases referenced above, to request an extension of an additional 30 days, or until Monday, November 14, 2022, for Mr. Updegraff to answer, move against, or otherwise respond to plaintiff's complaints in the two actions listed above. Allow me to explain Mr. Updegraff's need for this extension.

Because these lawsuits raise issues concerning the title to real property for which there is a title insurance policy, Mr. Updegraff reported the actions to the title insurance company, who has in turn retained counsel for Mr. Updegraff with respect to those claims. However, the carrier has determined that there are covered and uncovered claims in the complaints, and that Mr. Updegraff needs his own attorney in connection with uncovered claims. Mr. Updegraff first contacted our office yesterday (October 13), and I then spoke with the attorney engaged by the title insurance company. However, it is simply impossible for our office to coordinate with the insurance carrier's attorney in sufficient time to respond by Monday, October 17. Accordingly, on Mr. Updegraff's behalf, I respectfully request that he be granted an extension until November 14, 2022 to respond to plaintiff's complaints in these two actions. Thank you for your consideration of this matter.

Respectfully,  
s/David Rothenberg

David Rothenberg

DR/be

cc: James I. Wynn, Sr.  
Plaintiff *pro se*  
7 Kencrest Circle  
Rochester, NY 14606

Request granted. Answer is due 11/14/22.  
So ordered.  
10/19/22

CHARLES J. SIRAGUSA  
United States District Judge